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NA-241 O'CONNOR; NA-21- CUMMINS;  
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Summary and Comment  
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11. (SBU) Once again, and despite best efforts by USDEL, Middle East issues (ref a) overshadowed much of the substantive agenda of the September 14-18 IAEA General Conference. Among the five core technical resolutions referred to the Committee of the Whole, or COW, -- omnibus safety, nuclear applications, TC, security and safeguards resolutions -- those on safety and nuclear power and non-power applications fared better than most, largely due to the subject matter and early consultations with the G-77 on these resolutions well in advance of the GC. Internal wrangling among the G-77, prompted by a Haitian resolution on LDCs, delayed submission of the Technical Cooperation (TC) resolution until the last possible moment. Unable to reach consensus on the belated TC draft, the COW reverted to an updated version of last year's text with minimal changes. Although USDEL sought to adopt a forward-leaning posture on TC, we could not overcome G-77 mismanagement of the resolution and accusations of bad faith levied at the like-minded. Of all the technical resolutions, Nuclear Security and Safeguards bore the brunt of Egyptian-led Middle East "hostage-taking" and Iranian obstructionism. Malaysia also deserves special mention for its unconstructive stance. Both security and safeguards were easy targets in this regard, given NAM/G-77 reservations and substantive objections to the resolutions. Negotiations on Nuclear Security were particularly contentious, as the NAM/G-77 subjected the resolution to a days-long, paragraph-by-paragraph dissection in the COW, and the Arab Group insisted on inclusion of disarmament language. Only an eleventh-hour deal brokered by the U.S., French and German Ambassadors with the Arab Group shortly before midnight on the final day of the GC and "adult intervention" by the Russian Governor and GC President among others to reign in Iran rescued the nuclear security resolution. Relegated early to a COW Working Group, the Safeguards resolution was also the subject of protracted negotiations fueled by Egyptian and Iranian amendments. A strong Canadian Working Group Chair managed to wrangle a Safeguards resolution, which was referred to the Plenary by COW consensus. Nevertheless, at half past midnight on the final day of the GC, the Arab Group called a petulant "protest" roll call vote on the Safeguards resolution, which was adopted 80-0-18, with mainly Arab Group abstentions. All other resolutions referred from the COW were adopted by consensus.

¶2. (SBU) The improvements in text or in guidance to the IAEA Secretariat achieved in the Nuclear Security, TC, and Safeguards resolutions -- largely iterations of last year's resolutions -- would seem hardly commensurate with the effort expended, were it not for avoiding the negative symbolism of adopting one of these resolutions without the others. This frustrating outcome was despite the best efforts of a strong GC President (New Zealand) and strong COW Chair (UK). As we look forward to next year's GC, a number of lessons learned could mitigate, if not avoid, the damage. First, we will need to consider carefully what we want from these GC resolutions and adjust expectations accordingly. This might involve paring down the resolutions to essential components needed to make recommendations to the Secretariat and Board of Governors. Alternatively, we could take a broader view in using these resolutions to promote the Administration's non-proliferation agenda. The second lesson was the positive impact of early consultation and G-77 buy-in on the nuclear safety and nuclear power applications resolutions. By contrast, the lack of consultation and delay in circulating both the TC and Nuclear Security resolutions undermined those negotiations from the beginning. (Note: The EU submitted last year's Safeguards text as part of its negotiating posture. End note.) Depending on the conduct and outcome of early consultations, a COW Working Group may or may not be the best prescription for a particular resolution, but spending nearly nine of the COW's cumulative 25 meeting hours plus comparable time in side meetings on Nuclear Security was clearly not productive. One may also question the tactic adopted by the COW Chair this year of not reporting any of the resolutions, even those adopted by consensus, until the conclusion of General Conference.

¶3. (SBU) Ultimately, however, the fate of the Nuclear Security and Safeguards resolutions, in particular, will be tied up with that of Middle East issues. The annual DPRK resolution, one of the cornerstones of the IAEA GC, is a case in point. While the DPRK Core Group spent three months working on this resolution in advance of the GC to document significant developments, including the nuclear test, and though it was sponsored by 43 countries, even the DPRK resolution nearly fell victim to Arab Group hostage taking. Without prior consultation, the Arab Group tabled an amendment on NPT universality to the DPRK resolution, in retribution for Western opposition to the Israeli Nuclear Capabilities resolution. Only pressure from Russia and China persuaded the Arab Group to back down and narrowly averted the first-ever vote on the DPRK resolution. End Summary and Comment.

#### ----- Resolutions and Decisions Adopted -----

¶4. (U) Among the first items of business, the General Conference approved the appointment of IAEA Director General-designate Yukiya Amano (GC(53)/RES/ 3) and a Tribute resolution (GC(53)/RES/4) to outgoing DG ElBaradei, conferring on him the title of "Director General Emeritus." The General Conference also approved applications for IAEA membership by Cambodia (GC(53)/RES/ 1) and Rwanda (GC(53)/RES/ 2). On the fourth day, the General Conference elected Cameroon by a secret ballot vote (53-46-1), contested by Libya (following the withdrawals of Niger, Morocco, and Sudan) for one of two Africa seats on the Board of Governors. Kenya was elected by consensus to the other African seat, and all other regional slates for the two-year elected term on the Board 2009-11 were adopted by consensus: Peru and Venezuela (GRULAC), Denmark and The Netherlands (Western Europe), Azerbaijan and Ukraine (Eastern Europe), Pakistan (MESA), Mongolia and ROK (Far East).

¶5. (U) In addition to the technical resolutions (safety, nuclear applications, Technical Cooperation, security and safeguards) negotiated in the Committee of the Whole (COW), covered below, the General Conference adopted the following routine resolutions and decisions by consensus:

- The Agency's Accounts for 2008 (GC(53)/RES/5)
- Regular Budget appropriations for 2010 (GC(53)/RES/6), pursuant to budget agreement approved by the Board of Governors in July).
- Technical Cooperation Fund Allocation for 2010 (GC(53)/RES/7) -- The Working Capital Fund in 2010 (GC(53)/RES/8)
- Scale of Assessment of Members' contributions towards the Regular Budget (GC(53)/RES/9)

-- Personnel (GC(53)/RES/18)  
-- Examination of delegates credentials (GC(53)/RES/19), following the customary exchange of letters between the Arab group and Israel)  
-- Article XIV.A of the Statute (GC(53)/DEC/11)  
-- Amendment to Article VI of the Statute (GC(53)/DEC/12)

Full text of all GC resolutions and decisions is on the IAEA public website: [www.iaea.org/About/Policy/GC/GC53/Resolutions](http://www.iaea.org/About/Policy/GC/GC53/Resolutions) .

## Nuclear Safety

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¶16. (SBU) Of all the technical resolutions referred to the COW, the omnibus nuclear safety and nuclear applications (nuclear power and non-power applications) were among the least controversial and least susceptible to Mideast-related "hostage taking." In part, this is attributable to general support for the subject matter but it also reflects the early negotiation of these resolutions with G-77 buy in. Sponsor Australia undertook a major overhaul of the annual resolution on "Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety" (GC(53)/RES/10). Doing so required considerable discussion among interested Member States, participating in more than 15 hours of negotiations in July and August, well prior to the GC. The most problematic issue raised by Malaysia (and seconded by Egypt and the Philippines) was insertion of references to military and defense activities in the context of nuclear liability coverage and INLEX and emergency response (e.g., citing military vessels as a potential cause of nuclear accidents.) While this was successfully repelled, we can anticipate efforts to inject such references in the safety resolution in the future. Over the course of negotiations, Egypt, Brazil, Malaysia, Philippines, Argentina, Ireland, New Zealand, Peru and Chile raised other issues (e.g. liability for accidents, climate change), but with a good working relationship established, compromise language was found on most of the text. By the time of the General Conference, only a few bracketed paragraphs remained.

¶17. (SBU) Once in the COW, UK Chair Smith quickly dispensed with the few remaining issues, rather than referring the resolution to a working group, to come to consensus on the text. This was in retrospect a good decision in that a working group (as was the case last year) would have only delayed agreement on the text, given the extensive negotiations before the GC. In the final analysis, the early discussions over the summer coupled with a strong COW Chair who did not default to a working group led to smooth and expeditious disposition of the safety resolution in the COW's first two hours of work. The safety resolution then waited on the docket along with all the other non-controversial items referred from the COW to the Plenary to be gaveled through at the conclusion of the GC.

## Nuclear Power and Non-Power Applications

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¶18. (SBU) While occupying more time in the COW than should have been necessary (three post-dinner hours), the four nuclear power resolutions under the omnibus resolution "Strengthening the Agency's activities related to nuclear science, technology and applications" (GC(53)/RES 13) also fared relatively well. The Friends of Nuclear Energy (FONE - U.S., France, Canada, China, Russia, Japan, ROK and India) had laid a good foundation for the chapeau resolution on nuclear power, having begun drafting in July. Informal meetings with like-minded and the G-77 the week before the General Conference led to introduction of a resolution that was close to consensus. Highlights of the resolution were: the recognition of the success of the April Ministerial in Beijing, along with a call for another high-level meeting in 2013; an explicit acknowledgment of the role of the IAEA in international discussions addressing global climate change; and taking note of the Secretariat's continuing work on financing nuclear power while encouraging interested Member States to work toward addressing financial issues. (Note: Limiting the role of the IAEA in the financing issue was a key sticking point with the "like-minded" when the chapeau resolution was first introduced in 2006. End note.) The most significant addition by the G-77 this year was language acknowledging Member States' rights with respect to establishing technology requirements, but there was no objection to adding the caveat that choices had to be in accordance with their relevant international obligations. The only

deletion of any significance during the negotiations was the quote from the Concluding Statement of the Beijing Ministerial referring to the role of nuclear power in the post-Kyoto flexibility mechanisms -- a relatively small price to make peace among the like-minded.

19. (SBU) The International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO) resolution was adopted largely intact and differed little from the 2008 resolution. The Indian-sponsored Small and Medium Reactor (SMR) resolution did not fare quite as well, with a long debate in the COW over Iran's insistence on removal of reference to NGOs from the list of relevant institutions that the Secretariat could consult with on development and deployment of SMRs, while retaining a reference to international organizations. The question was finally resolved by reference to "other relevant organizations," leaving it up to the Secretariat to decide who was relevant. Of greatest concern was the debate over the Infrastructure resolution. Egypt did not want to "commend" the Agency on the establishment of the Integrated Nuclear Infrastructure Review (INIR) service. More importantly, Egypt refused to recognize use of the results of such assessments of infrastructure requirements in the optimization of the Technical Cooperation program, insisting on deletion of language contained in the 2008 resolution. Egypt essentially argued that the IAEA should not tell Member States what they needed but simply deliver what was asked. Egypt's adamancy on this point, coupled with the now standard NAM/G-77 line in Board meetings that the guidance in the IAEA's Milestones documents is not compulsory as it was up to each state to decide what it needed, prompted USDEL to express regret over the increasingly adversarial view on the part of developing countries of the assessment process and development of TC projects, in what should be a cooperative process between the State and the Agency to develop projects that best met a State's needs and optimize the use of limited resources. In the end, 2008 language encouraging Member States and the Secretariat to take the results of assessments of infrastructure requirements into account was retained. On a more positive note, the COW agreed to two new paragraphs in the Infrastructure resolution related to human resource development and training.

110. (SBU) The non-power portions of the omnibus nuclear applications resolution consisted of a chapeaux text based on the 2008 resolution with minor updates. The sub-resolutions, some biennial in applicability, focused on producing potable water economically using small and medium sized nuclear reactors, the Programme of Action for Cancer Therapy (PACT), isotope hydrology for water resources management, and support to the African Union's Pan African Tsetse and Trypanosomiasis eradication campaign (AU-PATTEC). The resolutions, tabled at the beginning of the GC, were noncontroversial since they relied heavily on previous resolutions. With minor changes, the chapeaux and sub-resolutions were agreed to in the COW without controversy.

111. (U) The omnibus nuclear applications resolution was referred by consensus to the Plenary and adopted at the conclusion of the General Conference.

#### Technical Cooperation -----

112. (SBU) The first version of the Technical Cooperation (TC) resolution, penned by Egypt on behalf of the G-77, was shared with the like-minded (UK, U.S., Canada and Australia) the Friday before the GC. The G-77 draft contained unacceptable budget language, calling for TC to be moved into the Regular Budget and absolving TC recipient countries of paying National Program Costs (NPCs). References to the 2009 budget negotiations and interpretations of a newly published budget document were also problematic. Egypt, when pressed to constitute a working group in the COW, declined to do so, leaving the like-minded to wonder when the resolution would be officially tabled. (Comment: Egypt's pique was also related to the late submission by France of the nuclear security resolution. End comment.) Parallel to the TC resolution, Haiti, on behalf of Least Developed Countries (LDCs), tabled a resolution calling on the IAEA to create a special category of TC assistance for LDCs. The technical substance focused on TC and nuclear power development was non-controversial but budget references and calls for studies were problematic for like-minded.



¶13. (SBU) During the first three days of the GC, there was no mention by any group of either resolution. The G-77 was reportedly side-tracked by internal negotiations over incorporation of the Haitian resolution, with countries such as South Africa objecting to bifurcation of TC assistance for LDCs vice other recipients. On Thursday, September 17, Egypt finally tabled a TC resolution which subsumed the LDC resolution in new preambular and operative sections. Like-minded states immediately raised objections to being given a text with less than 24 hours notice before it being taken up in the COW. On Friday afternoon, the last day of the GC, the COW began a paragraph-by-paragraph read of the resolution, and after a number of hours it became apparent no consensus text could be achieved in the time remaining. Like-minded (U.S., Canada, U.K., Belgium, France) raised primarily budget related issues while Iran, Pakistan, and Malaysia took issue with every requested change or insertion. Canada and France took the lead in voicing objections while the U.S. assumed an intentionally less combative stance on TC.

Like-minded tactics were also partially payback (though not on our part) for the G-77's paragraph-by-paragraph dissection of the nuclear security resolution in the COW. This discussion ran down the clock and at the eleventh hour the COW Chair called upon the resolution sponsor to find consensus text. After a brief exchange with a Malaysian delegate from capital, who accused both the U.S. and Canada of holding up the TC resolution and threatened to "take this with me to the NPT RevCon," Malaysia and Egypt along with other G-77 members retreated to a closed door meeting. In order for other states to gain transparency on what was transpiring among the G-77, the GC President had to personally intervene. In the end, the G-77 and China presented a TC resolution consisting of 90 percent of the 2008 resolution language with only minor adjustments to incorporate the substance of the LDC resolution and a reference to the 2009 budget.

¶14. (U) The TC resolution "Strengthening of the Agency's technical cooperation activities" (GC(53)/RES/ 12) was also referred to Plenary and adopted by consensus at the conclusion of the General Conference. Since the resolutions were considered in Plenary in the order in which they appear on the agenda, TC was adopted after the hard-fought consensus adoption of the nuclear security resolution (see next section).

#### Nuclear Security

¶15. (SBU) As has become the case in successive GCs, the Nuclear Security and Safeguards resolutions were the primary victims of Egypt-led "hostage taking" on GC Middle East issues and Iranian obstructionism. Compounding this dynamic were substantive issues raised by NAM/G-77 states, Argentina prominent among them, that have cemented their objections to Nuclear Security as a separate field from Safety and to the IAEA's increasing investment in the Office of Nuclear Security (ONS) in terms of assistance levels and regular budget funding. Most NAM/G-77 are aware that the majority of ONS assistance goes to them, yet they quietly allow Egypt to take the lead in insisting, including in the negotiation of the GC resolution, that 1) Nuclear Security is not a Statutory activity of the IAEA, and 2) the threat of a nuclear terrorist attack is overrated.

¶16. (SBU) Further raising G-77 ire, the French (as was the case with Germany last year) failed to circulate the draft Nuclear Security resolution or hold mixed-group meetings in advance of the General Conference. If the resolution sponsor had followed a more proactive pattern (along the lines of Australia on the Safety Resolution), COW deliberations over this resolution might have been somewhat less painful, though nonetheless subject to hostage taking. During initial consideration of the Nuclear Security Resolution in the COW, Brazil and Argentina joined Egypt and Iran in raising both philosophical and technical questions. Rather than repairing to a Working Group, COW participants engaged in a lengthy, paragraph-by-paragraph examination of the resolution that lasted several sessions. WEOG members spent most of the negotiations seeking to block attempts by the NAM and Argentina to water down the resolution. NAM/Arab Group defenders of Nuclear Security such as Morocco and Ghana remained silent. Negotiations were also complicated by an Arab League proposal to include operative language on disarmament and a (U.S.-supported) Russian effort to retain

references to the Global Initiative to Combat Nuclear Terrorism (GCINT).

¶17. (SBU) Despite the COW Chairman's clearly stated intent at the outset to conclude the COW's work by the late afternoon of Thursday September 17, failure to reach agreement on Nuclear Security resulted in a protracted session of the COW September 18, the last night of the GC. The COW finally disbanded without coming to agreement on the Nuclear Security resolution. Deliberations continued in a hastily convened Working Group, chaired by Australia, which labored to overcome a revolving door of Iranian obstacles. In the meantime, on the sidelines of the suspended Plenary, the Ambassadors of the U.S., Germany and France finally brokered an agreement with the Arab Group (led by Egypt, Lebanon and Algeria) on preambular language on disarmament. Then close to midnight, a handful of influential Ambassadors -- among them the GC President, Russian Governor Berdenikov (who insisted on insertion of GICNT) and the Brazilian Ambassador -- made their way to the security resolution working group to convince Iran to back down and join consensus on the text. Nuclear Security was the last resolution to be agreed, leaving the Plenary to resume its work shortly before midnight. Despite the high drama that held up the resolution for days on end in the COW and subsequent negotiations, the Nuclear Security resolution was gaveled through the Plenary without incident.

¶18. (SBU) One positive outcome of this year's Nuclear Security Resolution was its adoption by consensus (whereas the Arab Group called a vote last year). In addition, the U.S. earned general goodwill and the personal gratitude of the Lebanese and Egyptian delegations for proposing and gaining consensus on disarmament language, drawn directly from successive consensus UNGA resolutions. The long hours of deliberation in the COW, however, caused spirits to flag, and Iran's late-night recalcitrance on Friday raised the ire of many involved (NAM/G-77 and WEOG alike). For all this effort, there were few noteworthy changes from last year in the final resolution "Nuclear security, including measures to protect against nuclear and radiological terrorism" (GC(53)/RES/11), except the addition of disarmament language in the preamble and the regrettable loss of explicit references to initiatives of the G-8 and EU or cooperation with the World Institute for Nuclear Security.

#### Safeguards

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¶19. (SBU) The Safeguards resolution has been the traditional object of Arab Group and Iranian discontent. A highly competent Working Group Chair (Canada) managed to keep this dynamic in check, and the resolution "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol" (GC(53)/RES/14) was referred by the COW to Plenary by consensus. However, reneging on their promise to the UK COW Chair (who muttered repeatedly to his delegation, "I've been duped."), the Arab Group staged a petulant "protest vote" (as it did last year) at the end of the GC, which resulted in a vote of 80 in favor and 18 abstentions (Algeria, Bahrain, Egypt, India, Jordan, Kuwait, Lebanon, Libya, Morocco, Nicaragua, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syria, Tunisia and Yemen.) With Iraq absent, not a single Arab Group member voted in favor of the Safeguards resolution. Iran voted in favor and delivered an EOV in support of Safeguards so long as sovereign rights and national security are respected. Iran also expressed reservations as to the exclusion of its proposals but expected a more balanced text next year. As Nicaragua was called first in the roll-call vote, its abstention may have been due to lack of instructions. India and Pakistan's abstention on the Safeguards resolution followed the traditional paragraph vote called by India on universality of Safeguards/NPT, which India and Pakistan opposed; in the raise-your-placard voting process Israel and France abstained, the latter by mistake, thinking the Indians had tabled an amendment.

¶20. (SBU) Over the last few years, the safeguards resolution has grown in length, and while some text has been added that advocates a stronger safeguards system, the overall resolution has been diluted by excessive amendments. This year was no different. In the COW Working Group, Egypt, on behalf of the Arab Group, proposed nine amendments to the preambular paragraphs, and one change to an

operative paragraph. Iran proposed five changes to the preambular paragraphs, and nine changes to the operative paragraphs. India, Israel and Pakistan each had reservations regarding the operative paragraph calling for universality of comprehensive safeguards agreements, and India and Pakistan argued for an amendment that would significantly weaken the text. Although several states insisted that this amendment was unacceptable, India professed that it believed that consensus could have been achieved.

¶21. (SBU) During the Working Group negotiations, USDEL worked hard to incorporate as much of the text proposed by Egypt as possible, and even managed to adopt a proposal made by Iran on the expansion of the Network of Analytical Laboratories (NWAL), albeit in a highly modified form than that originally proposed. While the other P-5 could not accept an Egyptian proposal on nuclear disarmament, which the United States could have accepted, USDEL brokered a compromise that highlighted the role the Agency had played in safeguarding nuclear material from dismantled nuclear weapons, and, in a gesture to South Africa, noted that this effort was important to the entry into force this year of the African Nuclear Weapon Free Zone Treaty.

¶22. (SBU) The Canadian working group Chairman James Casterton was critical to the successful negotiation of a Safeguards resolutions this year. His strong, impartial leadership kept the group on track and did not allow Iran or Egypt to dominate the discussion as much as in past years. By keeping to a tight timetable, the Chair was able to pressure States to compromise. Much progress was also achieved by a core group, including Australia, Canada, Brazil, Iran, the United Kingdom, and the United States, that met outside the larger working group.

DPRK

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¶23. (U) The GC adopted by consensus the annual resolution on North Korea entitled Implementation of the NPT Safeguards agreement between the Agency and the DPRK (GC(53)/Res/15), but for the first time this resolution nearly faced a vote. The Arab group attempted to insert last-minute language into the resolution as retribution for the votes of certain Member States on the Israeli Nuclear Capabilities (INC) resolution. The Arab Group tabled the following amendment in the Plenary: "Stresses that measures requested by this resolution constitute steps towards achieving the universal application of the NPT and of comprehensive IAEA safeguards." The Arab group had provided no indication to the resolution sponsors, including to China and Russia, that it had this proposed text under consideration. China and Russia worked behind the scenes and convinced the Arab group to drop the text. India expressed its formal objection to the language. The Arab group suggested this language would be raised again next year. (Note: We learned subsequently from a like-minded delegation that the Egyptian ambassador had advocated that all "regional" safeguards resolutions should in the future contain language on NPT universality. End note). Cuba spoke to complain about the hypocrisy of supporting this "country-specific" resolution but not the INC resolution.

¶24. (U) The DPRK resolution reflected a three-month effort of coordination with the like-minded DPRK "Core Group" in Vienna. It documented the developments on the North Korea issue since the 2008 GC, which includes the reversal of disablement activities, ceasing cooperation with the IAEA, announcements to reprocess spent fuel and weaponize the plutonium, announcement of the existence of a uranium enrichment program, and a second nuclear test. Given the stalled Six-Party Talks and the escalatory actions by DPRK the resolution reflected condemnation and concern about DPRK's actions. The resolution also called on Member States to implement UNSCR 1718 and ¶1874. The resolution was co-sponsored by 44 states, the eight Core Group members plus: Albania, Austria, Belgium, Bosnia, Bulgaria, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine.

¶25. (U) Mission would like to thank Washington-based delegates who helped steer COW negotiations of the technical resolutions and who subsequently contributed to this report -- Rob Cockerham and Steve Adams (ISN/MNSA), Al Burkart and Jan Fladeboe (ISN/NESS) and Elena Thomas (DOE/NNSA).

